

GATDET G. CHUOL,)	
)	
Petitioner,)	8:19CV469
)	
v.)	
)	
SCOTT FRANKS,)	MEMORANDUM AND ORDER
)	
Respondent.)	
)	

This third time is not a charm. Like the second case, there has been no showing that any of the exceptions found in 28 U.S.C. § 2244(b)(2) apply and there has been no showing that the Court of Appeals has given Petitioner authorization to proceed under § 2244(b)(3)(A). Thus, this case, like the earlier ones, will be dismissed with prejudice.

Finally, a petitioner cannot appeal an adverse ruling on his petition for writ of habeas corpus under § 2254 unless he is granted a certificate of appealability. 28 U.S.C. § 2253(c)(1); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b)(1). The standards for certificates (1) where the district court reaches the merits or (2) where the district court rules on procedural grounds are set forth in *Slack v. McDaniel*, 529 U.S. 473, 484-485 (2000). I have applied the appropriate standard and determined that Petitioner is not entitled to a certificate of appealability.

IT IS ORDERED that the habeas corpus petition, Filing no. 1, is denied and dismissed with prejudice. No certificate of appealability has been or will be issued. Judgment will be issued by separate document. The Clerk shall change the last name of the Respondent from “Franks” to “Frakes.”

DATED this 6th day of November, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge